

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MR. MARIO GAUSE	:	CIVIL ACTION
	:	
v.	:	
	:	
DAVID DIGUGLIELMO, et al.	:	NO. 08-4481

ORDER

AND NOW, this 24th day of March, 2009, upon consideration of the Honorable Carol Sandra Moore Wells report and recommendation (docket entry #10), the petitioner's objections, and the Court finding that Judge Wells properly analyzed the timeliness issues plaguing Gause's petition, and Gause having made no showing that would warrant equitably tolling the time to file his petition, his petition is time-barred, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petition for writ of habeas corpus is DENIED;
3. Mario Gause having made no substantial showing of a denial of a constitutional right, we DECLINE to issue a certificate of appealability; and
4. The Clerk shall CLOSE this civil action statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.